

418 KAR 1:010. Definitions for 418 KAR Chapter 1.

RELATES TO: KRS 146.550-146.570, 446.010(18)

STATUTORY AUTHORITY: KRS 146.550-146.570

NECESSITY, FUNCTION, AND CONFORMITY: KRS 146.560(2) requires the board to promulgate administrative regulations necessary for application for funds from the agencies identified in KRS 146.570, review and approval of proposed projects, and review and approval of grants. KRS 146.560(2) also requires the board to promulgate administrative regulations on land acquisition. This administrative regulation defines terms used in 418 KAR Chapter 1.

Section 1. Definitions. (1) "Access land" means land necessary for reasonable and planned ingress and egress from the project site.

(2) "Acquisition" means the procurement of land and includes options, appraisals, maps, surveys, title opinions, title insurance and environmental audits, and inspections.

(3) "Areas important to migratory birds" means those areas important to the reproduction and survival of migratory birds, including:

- (a) Large tracts of contiguous forest;
- (b) Wooded greenspace areas;
- (c) Shallow open water habitats with expansive areas of shoreline;
- (d) Wetlands or wetland complexes including marshes, deep water sloughs, and swamps;
- (e) Natural grasslands; and
- (f) Riparian corridors.

(4) "Board" means the Kentucky Heritage Land Conservation Fund Board.

(5) "Buffer land" means land that will aid in protecting the project site from harm or will prevent degradation of the visitor experience at the project site.

(6) "Chair" means the chairperson of the board.

(7) "Dollar for dollar" means that for every Kentucky Heritage Land Conservation Fund dollar granted by the board, the applicant spends an equal amount, and that the applicant places all matching funds in one (1) lump sum into escrow at the board's direction.

(8) "Fund" means the Kentucky Heritage Land Conservation Fund.

(9) "Grant" means an award of money from the Kentucky Heritage Land Conservation Fund pursuant to KRS 146.570(4)(f).

(10) "Greenspace" means undeveloped land in or around urban areas, including forests or other natural vegetation, stream-side corridors, natural areas, and abandoned rights-of-way.

(11) "Local governments" means county governments, municipalities, school districts, and special districts, or a combination thereof.

(12) "Management" means the stewardship necessary to fulfill the purposes of KRS 146.550 through 146.570 and 418 KAR Chapter 1 and encompasses site development costs and reasonable operating costs, consultant and contractor fees, facility development, supplies, materials, site-specific equipment, and staff costs.

(13) "Natural area" means an area of land or water, or of both land and water, which:

- (a) Retains or has reestablished in the judgment of the board its natural character;
- (b) Has natural flora or fauna; or
- (c) Has biological, ecological, geological, scenic, or archaeological features of scientific, aesthetic, cultural, or educational interest to the public.

(14) "Natural functions" means the interrelationships among the living and nonliving components of ecosystems and includes:

- (a) Energy fixation and conversions;
- (b) Ecosystem productivity and biomass accumulation;

- (c) Nutrient cycling;
- (d) Storage, transport, release, and retention of water and other nutrients;
- (e) Food web relationships and dynamics;
- (f) Weathering, development, and stabilization of substrates; and
- (g) Absorption and neutralization of pollutants.

(15) "Natural state" means the condition of an area that retains, has substantially reestablished, or is in the process of reestablishing, an indigenous ecosystem.

(16) "Outdoor recreation" means activity on a subject property that does not cause harm to the property or its natural state, or hinder the heritage land conservation purposes of KRS 146.550 through 146.570.

(17) "Private, nonprofit land trust organization" or "LTO" means a group with Internal Revenue Code 501(c)(3) status qualified to hold land and easements for land conservation purposes.

(18) "RMP" means resource management plan.

(19) "State agency" means any department, program cabinet, institution, board, commission, office, or agency of the Commonwealth of Kentucky.

(20) "State colleges and universities" means accredited colleges and universities located in the Commonwealth of Kentucky. (21 Ky.R. 2845; Am. 22 Ky.R. 92; eff. 7-12-1995; 39 Ky.R. 844; 1393; eff. 2-1-2013; 40 Ky.R. 127; 592; 803; eff. 10-3-2013.)